



1 Before the Court is Plaintiffs' Unopposed Proposal for Dissemination of Notice to the Class  
2 ("Notice Proposal"). After considering the submission, the Court finds that the proposed method of  
3 providing notice of pendency satisfies the requirements of Rule 23 of the Federal Rules of Civil  
4 Procedure and due process. The Court APPROVES the method of providing and forms of notice,  
5 and hereby ORDERS as follows:

6 1. The proposed forms of Notice of Pendency of Class Action attached hereto as Exhibit  
7 A ("Notice") and Publication Notice of Pendency of Class Action ("Publication Notice"), attached  
8 hereto as Exhibit B, are approved.

9 2. The Notice, Publication Notice, and method and schedule set forth below and in the  
10 Notice Proposal meet the requirements of Rule 23 and of due process, constitute the best notice  
11 practicable under the circumstances, and shall constitute due and sufficient notice to all persons and  
12 entities entitled thereto.

13 3. The firm of Gilardi & Co. LLC ("Administrator") is appointed and authorized to  
14 supervise and administer the Notice Plan. The Administrator shall execute its plan as proposed in  
15 the Declaration of Peter Crudo Regarding Notice Plan and consistent with the Notice Proposal.

16 4. Within ten (10) business days after entry of this Notice Approval Order, Zymergen  
17 Inc. ("Zymergen") shall provide to the Administrator a mailing list (including email addresses where  
18 available) for all registered record holders of Zymergen common stock during the period from April  
19 21, 2021 through October 18, 2021, both dates inclusive, as set forth in the records of Zymergen's  
20 transfer agent.

21 5. Within twenty-one (21) calendar days of entry of this Notice Approval Order, the  
22 Administrator shall commence mailing the Notice to be emailed where email addresses are available,  
23 or mailed via USPS first-class mail to potential Class members (the "Notice Date").

24 6. The Administrator shall also use reasonable efforts to give notice to brokerage firms,  
25 banks, institutions, investment funds, investment companies, investment advisors, investment  
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1 portfolios, mutual fund trusts, mutual investment funds, investment managers, and any other persons  
2 or entities who are or who claim to be nominees that purchased or otherwise acquired Zymergen  
3 common stock pursuant and/or traceable to the registration statement and prospectus issued in  
4 connection with Zymergen's April 2021 initial public offering for the benefit of another person.  
5 Such nominees shall be given two options: (i) they can, within ten (10) business days of receipt of  
6 the Notice, request from the Administrator sufficient copies of the Notice to forward to all such  
7 beneficial owners (and then mail the Notice themselves); or (ii) they can, within ten (10) business  
8 days of receipt of the Notice, provide a list of the names and addresses of all such beneficial owners  
9 to the Administrator, in which case the Administrator shall promptly mail the Notice to such  
10 beneficial owners.  
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12           7. Contemporaneously with the mailing of the Notice, the Administrator shall establish a  
13 dedicated website, to make available to Class Members the Notice and other case information and  
14 filings, including: (1) the Court's Order Granting Motion to Certify Class (ECF 194); (2) the  
15 Amended Class Action Complaint for Violations of the Federal Securities Laws (ECF 78); (3) the  
16 Court's Order Re Motions to Dismiss (ECF 162); (4) Defendants' Answers (ECFs 170-71), as well  
17 as other such documents as the parties may agree or the Court shall require. The website will be  
18 available until at least one year after any settlement, other resolution, or the conclusion of trial and  
19 exhaustion of all possible appeals in this action. The Administrator also shall establish a toll-free  
20 telephone number for Class Members to call if they have questions or to request copies of the Class  
21 notices or other documents. The Administrator shall provide live operators during business hours to  
22 answer the telephone, respond to ministerial matters such as requests for copies of the notices, and  
23 direct any substantive questions to Class Counsel, Robbins Geller Rudman & Dowd LLP.  
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1           8.       Within fourteen (14) calendar days of the Notice Date, the Administrator shall cause  
2 the Publication Notice to be published in *The Wall Street Journal* and posted on *PR Newswire* as a  
3 means of reaching prospective Class Members not receiving the Notice.

4           9.       Within fourteen (14) calendar days of the Notice Date, the Administrator shall also  
5 cause the Notice to be published by the Depository Trust Corporation (“DTC”) on the DTC Legal  
6 Notice System.

7           10.      The case website and Notice shall provide an address for the purpose of receiving  
8 requests for exclusion from the Class and requests for copies of the Notice from, *inter alia*, nominee  
9 purchasers of Zymergen common stock.

10           11.     Class Members shall be bound by all determinations, orders, and judgments in this  
11 action, whether favorable or unfavorable, unless such persons and entities request exclusion from the  
12 Class in a timely and proper manner, as hereinafter provided. A Class Member seeking to request  
13 exclusion from the Class shall submit a written request for exclusion as set forth in the Notice and  
14 shall be postmarked no later than ninety (90) days after the Court’s entry of this Order, which date  
15 shall be included in the Notice. Such request for exclusion shall clearly state that the Class Member  
16 requests exclusion from the Class in *Biao Wang v. Zymergen Inc., et al.*, No. 5:21-cv-06028-PCP  
17 and must (i) state the name, address and telephone number of the person or entity requesting  
18 exclusion; (ii) state the number of shares of Zymergen common stock purchased or acquired by the  
19 person or entity requesting exclusion pursuant and/or traceable to the Registration Statement issued  
20 in connection with Zymergen’s April 2021 initial public offering, and the dates and prices of such  
21 purchases and any sales; and (iii) be signed by the person or entity requesting exclusion or an  
22 authorized representative. The request for exclusion shall not be effective unless it provides the  
23 required information and is made within the time stated above, or the exclusion is otherwise  
24 accepted by the Court.  
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1           12.     The Administrator shall identify and number all exclusion requests received and  
 2 create images of those requests for Class Counsel and counsel for Defendants. The Administrator  
 3 shall maintain original requests in its files. The Administrator shall promptly provide via email  
 4 copies of any exclusion requests received to Class Counsel and counsel for Defendants, as set forth  
 5 below:  
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<b>Counsel for Lead Plaintiff and Class Representative Biao Wang</b>	<b>Counsel for Defendants Zymergen Inc., Steven Chu, Jay T. Flatley, Christine M. Gorjanc, Travis Murdoch, Matthew A. Ocko, Sandra E. Peterson, Zach Serber, and Rohit Sharma</b>	<b>Counsel for the Underwriter Defendants</b>
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20           13.     Within seven (7) calendar days following the exclusion deadline, Class Counsel shall  
 21 file with the Court proof of mailing and emailing of the Notice, proof of publication of the  
 22 Publication Notice, and an affidavit setting forth a list of all persons and entities who have validly  
 23 and timely requested exclusion from the Class no later than ninety (90) days after the Court's entry  
 24 of this Order, which date shall be included in the Notice, as well as a list of persons whose requests  
 25 for exclusion from the Class were not deemed to be valid or timely.  
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1           14.     Subject to potential reimbursement, the costs of notice shall be borne by Class  
2 Counsel.

3           15.     Nothing in this Order shall restrict Defendants' rights to move to de-certify the Class,  
4 in whole or in part, or to seek the exclusion from the Class of certain entities or individuals at a later  
5 date.

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7           IT IS SO ORDERED.

8           DATED: September 6, 2023

  
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10           THE HONORABLE P. CASEY PITTS  
11           UNITED STATES DISTRICT JUDGE

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